

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Application of:
Wucherpennig et al.

Serial No: 09/248,964

Filed: February 12, 1999

For: MONOVALENT, MULTIVALENT,
AND MULTIMERIC MHC
BINDING DOMAIN FUSION
PROTEINS AND CONJUGATES,
AND USES THEREFORE

Attorney Docket No. HUIP-P01-005

Art Unit: 1644

Examiner: F.P. Vandervegt

Assistant Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration Under 35 U.S.C. §1.131 of Kai Wucherpennig

Sir:

I, Kai Wucherpennig, of Boston, Massachusetts, hereby declare as follows:

1. I am a co-inventor of the above-mentioned application which teaches and claims monovalent, multivalent, and multimeric MHC binding domain fusion proteins and conjugates, and uses therefore.
2. I have reviewed the office action dated July 29, 2003, and understand that the Examiner has rejected the claims under 35 U.S.C. 102/103 in view of Scott et al., *J. Exp. Med.* 183: 2087-2095, published May 1996.
3. The invention as described and claimed in the above-identified application was conceived prior to the publication date of Scott et al. In support, we submit the Kalandadze et al. (*J. Biol. Chem.* 271(33): 20156-20162) publication as Appendix A.
4. The Kalandadze et al. publication describes work that is the subject matter of the instant claims. This work was carried out in my laboratory under my direction. I participated in and oversaw the drafting of the manuscript describing the results.
5. I point out that the manuscript was received by the journal for publication on March 18, 1996. I submit that no substantial revisions were made to the manuscript after that date. The

receipt date of the manuscript indicate both conception and reduction to practice of the claimed invention by myself and my co-inventor, Jack Strominger, prior to May 1996.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code and that willful false statements may jeopardize the validity of this Application for Patent or any patent issuing thereon.

Kai Wucherpennig

Dated: 10-26-03

Signature:

